

FILED

APR 12 2010

*Chilton*  
CLERK

UNITED STATES DISTRICT COURT  
DISTRICT OF SOUTH DAKOTA  
SOUTHERN DIVISION

\*\*\*\*\*

UNITED STATES OF AMERICA,

Plaintiff,

vs.

LEO THOMAS FLYNN,

Defendant.

CR 10-40012

ORDER

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Pending before the Court is the Defendant's Motion to Dismiss, Doc. 18, and Motion to Suppress, Doc. 19. The Court has reviewed the Motion to Dismiss, the Motion to Suppress, and Magistrate Judge Simko's Report and Recommendation of March 19, 2010, Doc. 29, and the transcript of the hearing.

The factual statements made in the Report and Recommendation are adopted and will not be repeated. Accordingly,

IT IS ORDERED:

1. That the Magistrate Judge's Report and Recommendation, Doc. 29, is ADOPTED by the Court, and Defendant's Motion to Dismiss, Doc. 18, and Motion to Suppress, Doc. 19, are DENIED

Dated this 11<sup>th</sup> day of April, 2010.

BY THE COURT:

*Lawrence L. Piersol*

Lawrence L. Piersol  
United States District Judge

ATTEST:  
JOSEPH HAAS, CLERK

BY: *Ab Peters*

DEPUTY